

Board Members

Gary D. Lovejoy, Ph.D.
Chairperson
Fred Wiggins, Ph.D.
Vice-Chairperson
Ramona N. Mellott, Ph.D.
Secretary
Joseph C. Donaldson
Megan Hunter-Williams
Cheryl L. Karp, Ph.D.
Miki Paul, Ph.D.
Frederick S. Wechsler, Psy.D.,
ABPP
Public Member - Vacant



State of Arizona Board of Psychologist Examiners

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Staff

Benjamin Foster
Executive Director

Meghan B. Hinckley
Deputy Director

Vicky Kamm
Investigator

Vacant
Administrative
Assistant

REGULAR SESSION MINUTES

Friday, December 5, 2008

1400 West Washington
Basement Conference Room, #B-1
Phoenix, AZ 85007

1. CALL TO ORDER

The regular session of the Arizona State Board of Psychologist Examiners was called to order by Chairman Lovejoy at 8:35 a.m. on Friday, December 5, 2008. One Executive Session was held at 9:55 a.m.

2. ROLL CALL

Board Members Present

Gary D. Lovejoy, Ph.D. - Chairman
Fred Wiggins, Ph.D. - Vice-Chairman
Ramona N. Mellott, Ph.D. - Secretary
(9:00 – 9:45 via telephone)
Joseph C. Donaldson
Cheryl L. Karp, Ph.D.
Miki Paul, Ph.D.
Frederick S. Wechsler, Psy.D., ABPP

Board Members Absent

Megan Hunter-Williams

Staff Present

Ben Foster, Executive Director
Meghan B. Hinckley, Deputy Director
Vicky Kamm, Investigator

Attorney General's Office

Beth Campbell, Esq.
Assistant Attorney General

3. REMARKS/ANNOUNCEMENTS

- **Board Member and Staff Appreciation** - Chairman Lovejoy thanked Staff for all their dedication and hard work. Chairman Lovejoy also thanked the Board members for all of their hard work on the various Committees including the Complaint Screening Committee and the Applications Review Committee.
- **Board Assessment Forms** - Chairman Lovejoy announced to members of the public audience that the Board appreciates feedback regarding their meetings and that they read every evaluation. Chairman Lovejoy encouraged members of the audience to complete a Board Meeting Assessment Survey and place them in the box outside the Board room. Chairman Lovejoy also commended the Board members as the reviews from the June meeting were outstanding.
- **CE Documentation** - Chairman Lovejoy announced that licensees could receive CE credits in Ethics for their attendance at Board meetings. Chairman Lovejoy explained that in order to

obtain credit one must register on the CE roster, complete the 3 page CE record form, have the first page signed and stamped with the validation stamp, keep the first page, and submit the remaining pages to Ms. Kamm or Ms. Hinckley. It was noted that Ms. Kamm and Ms. Hinckley are the only two staff that can stamp the CE validation form. Licensees are eligible to receive 2 credits for attending the morning session, and 4 credits for all day attendance.

4. APPROVAL OF MINUTES

- **Regular Session – July 11, 2008** – A motion was made by Dr. Karp, seconded by Dr. Paul, and carried (6-0-1), with Dr. Wiggins abstaining from the vote, to approve the July 11, 2008 Regular Session minutes.
- **Executive Session – July 11, 2008** – Dr. Karp made a motion, which was seconded by Dr. Mellott, and carried (4-0-3), with Dr. Wiggins, Dr. Wechsler, and Mr. Donaldson abstaining from the vote, to approve the July 11, 2008 Executive Session minutes.
- **Regular Session – September 5, 2008** – Dr. Wechsler noted that under number 3., Requesting Exam & Licensure, Christine Love's doctoral designation was a Psy.D., not a Ph.D. A motion was made by Dr. Paul, seconded by Dr. Wechsler, and carried (5-0-1), with Dr. Wiggins, Dr. Karp, and Mr. Donaldson abstaining from the vote, to approve the September 5, 2008 Regular Session minutes as amended.
- **Regular Session Telephone Conference – November 6, 2008** – Dr. Karp noted that under number 4. Review/Discussion/Decision regarding the Proposed Statutory Change, she could not both move and second her motion. Ms. Hinckley noted the typo and stated she would research and change the mistake. A motion was made by Dr. Wechsler, seconded by Dr. Wiggins, and carried unanimously (7-0), to approve the November 6, 2008 Regular Session Telephone Conference minutes.
- **Executive Committee - Regular Session Minutes – October 3, 2008** – Ms. Galvin stated that these minutes could not be reviewed as this Committee had not properly noticed a meeting of this particular Committee. Dr. Lovejoy directed staff schedule and properly notice and Executive Committee Meeting during or after a regularly scheduled Board meeting to appropriately approve the minutes.

5. CALL TO THE PUBLIC

Chairman Lovejoy gave the public the opportunity to address the Board at this time. There were no requests at this time for anyone to speak.

6. 9:30 a.m. – DISCUSSION/CONSIDERATION AND POSIBLE ACTION REGARDING LETTERS FROM DR. JOHN KENT SEEKING REACTIVATION OF HIS LICENSE TO PRACTICE PSYCHOLOGY, INCLUDING BUT NOT LIMITED TO APOPOINTMENT OF A PSYCHOLOGIST /PSYCHIATRIST TO CONDUCT AN INDEPENDAT MEDICAL EXAMINATION/EVALUATION AND SETTING PARAMETERS TO BE COMPLEID WITH INCLUDING TIME REQUIREMENTS AND ISSUES TO BE ASSESED DURING THE IME

Chairman Lovejoy summarized the this case and noted that Dr. Kent currently remains on Medical Inactive status until such time that he requests reactivation of his license.

At 9:55 a.m., Dr. Paul made a motion, seconded by Dr. Wechsler, to enter into Executive Session to receive legal advice from the Board's attorney, Ms. Campbell.

The Board returned to regular session at 10:16 a.m. Dr. Kent was present and representing himself. Dr. Kent addressed the Board for 5 minutes, stating that the Board had been "fleeced" and was inappropriate in asking him to be evaluated prior to returning to active practice as he had provided the Board with proof of competency from several psychologists.

Chairman Lovejoy asked Dr. Kent if he was seeking reinstatement of his license to active status. Dr. Kent replied that the letter he sent to the Board dated November 21, 2008 stated he wished to reactive his license. Dr. Paul made a motion, seconded by Mr. Donaldson, that Dr. Kent be issued an Interim Order to complete an Independent Medical/Psychological Evaluation (IMPE) with Dr. Scherser to determine if he is competent return to the practice of psychology. In the Order, Dr. Kent shall contact Dr. Scherser within 30 days to schedule an IMPE appointment, the IMPE must be completed within 90 days of the date of the order, with a report sent back from Dr. Scherser directly to the Board regarding the IME findings. All Materials regarding this case would be forwarded to Dr. Scherser for her review prior to the appointment. The motion carried unanimously.

7. DISCUSSION/DECISION REGARDING CALRIFICATION OF A.R.S. §32-2071(E)(1) AS IT PERTAINS TO APPLICATIONS REVIEW COMMITTEE PROCEDURES

Ms. Hinckley brought to the attention of the Board that at times there are discrepancies in interpretation of Article 2. Licensure, which the full Board needed to clarify. In particular, is A.R.S. §32-2071(E)(1) "Supervision occurs by a psychologist who is licensed or certified to practice psychology at the independent level in any licensing jurisdiction in the United States or Canada in which the supervision occurs....who has been licensed for at least two years" interpreted to mean that Post-Doc supervisors must be licensed for two years *in* the jurisdiction in which the Post-Doc experience was completed or that the supervisors simply had to be licensed for two years prior to providing ANY kind of supervision, regardless of where the supervised experience took place? Ms. Hinckley noted that she had contacted Ms. Galvin who reviewed the issue and felt that the law was interpreted to mean the latter – supervisors must be licensed for two years prior to providing any kind of supervised experience irrespective of the jurisdiction where the supervision took place. Chairman Lovejoy concurred with this interpretation stating that it was more relevant that the supervisor be experienced for two years prior to providing any kind of supervision versus the importance of them being licensed for two years in EACH jurisdiction where they provide supervision.

Dr. Mellott also noted that, previously, the Board staff was directed to keep a binder of ARC Procedures, so that when questions such as clarification and interpretation arise, members could refer back to this Binder for historical data and reference. Ms. Hinckley confirmed that the ARC Procedure book exists, and opinions and clarifications are in it. Dr. Wechsler noted that it might be helpful to pass this book on as a reference manual to each new ARC Committee. Ms. Hinckley noted that she could create this reference manual to be handed out to members at the beginning of each Committee change over.

8. DISCUSSION/DISCUSSION REGARDING CHANGES TO THE 2009-2011 RENEWAL FORM

Mr. Foster brought to the attention of the Board the lengthiness of the renewal forms and suggested possible trying to combine questions and eliminate any unnecessary information. After discussion, the Board felt strongly that the questions on the renewal application were pertinent and could not be combined to have the same affect or deliver the same information in order to protect the public. Mr. Foster noted that he would try and condense the renewal as much as possible without altering the intent of the questions and return it to the Board for its approval prior sending it to the printers for printing.

9. ELECTION OF NEW OFFICERS FOR JANUARY 1, 2009 – DECEMBER 31, 2009 YEAR

Dr. Paul nominated Dr. Wiggins for the Chairman of the Board for the 2009 Calendar year. Dr. Wiggins accepted the nomination. Dr. Paul made a motion, seconded by Dr. Mellott that Dr. Wiggins serve as Chairman of the Board for 2009 Calendar year. The motion carried (6-0-1) with Dr. Wiggins abstaining.

Dr. Wechsler nominated Dr. Mellott for Vice-Chairman of the Board for the 2009 Calendar year. Dr. Mellott accepted the nomination. Dr. Wechsler made a motion, seconded by Dr. Karp that Dr. Mellott serves as Vice-Chairman of the Board for the 2009 calendar year. The motion carried (6-0-1) with Dr. Mellott abstaining.

Dr. Wechsler nominated Dr. Karp for Secretary of the Board for the 2009 Calendar year. Dr. Karp accepted the nomination. Dr. Wechsler made a motion, seconded by Dr. Wiggins that Dr. Karp

serves as Secretary of the Board for the 2009 calendar year. The motion carried (6-0-1) with Dr. Karp abstaining.

Dr. Mellott excused herself from the meeting and ended the phone call.

10. **REPORT ON ASPPB ANNUAL MEETING, OCTOBER 2008**

Dr. Mellott presented the Board with highlights of the meeting. Dr. Mellott reported that ASPPB reviewed their progress on the Interjurisdictional Practice Certificate ("IPC") launched in August 2008, and that 3 states (Georgia, California, South Carolina) have now incorporated it into their statutes. Dr. Mellott stated that ASPPB is encouraging states to adopt this certificate as it helps with issues of temporary licensure and jurisdictional complaint consultation issues. Dr. Mellott noted that it would be an issue for the Board to consider adopting in the future. Dr. Mellott also reported that practicum and practicum guidelines were discussed, such as residency requirements, areas of practice, supervisor competence, multicultural competence, distance education. ASPPB is also discussing creating a Credential Verification Program, wherein they would provide primary source verification to licensing Boards and serve as a repository of information for applicants seeking licensure. Dr. Mellott stated that ASPPB is creating a task force to research this possibility for the future.

Mr. Foster also discussed his attendance at the Board Administrators Review Committee ("BARC") which meets a day prior to the conference. At this meeting, administrators from around the country gather and discuss pending issues within their jurisdictions. Mr. Foster reported that the major issues licensing Boards were facing included financial difficulties, upgrading licensing software and databases, and other Boards and States mandating the licensure of Behavior Analysts. Mr. Foster stated that the Executive Director of the Ohio Psychology Board asked him for information of how we are proceeding with that licensure issue. Mr. Foster reminded the Board that while we may think our issues and actions as a Board are isolated within our jurisdiction, they are not; any Board's actions that set precedence are often used as the foundation and research for other Boards to model and modify.

11. **EXECUTIVE DIRECTOR'S REPORT**

- **Financial** – Mr. Foster reported that the Board is on track with spending for FY '09, but will be in dire financial straits at the beginning FY '10. Due to the fund sweeps (HB 2209), the Board will have to transfer out \$563,000.00 of its revenue and appropriations into the general fund for the state in April 2009. This lump sum transfer will render the Board insolvent as of July 2009, the beginning of the FY '10. In addition, Mr. Foster reported that JLBC continues to take \$4600.00 out of our budget quarterly due to the vacancy savings accrued by the empty Administrative Assistant position. Mr. Foster also reported that the budget crisis is felt both agency-wide and statewide and as such, the state has taken measures to reduce the deficit by freezing spending and hiring. Mr. Foster stated that our lobbyist Mr. Goodman is aware of the Board's financial crisis and is speaking with the legislature to have the amount to be transferred out reduced or eliminated.
- **Lobbyists** – Mr. Foster reported that, currently, our lobbyist, Mr. Goodman, had submitted the omnibus bill and is currently looking for legislative support. In addition, as previously mentioned, Mr. Goodman is presenting evidence to the Legislature regarding the Board's pending insolvency in FY '10 due to HB 2209 budget sweeps. Lastly, Mr. Goodman also has submitted legislation to try and amend HB 2207 in order for the Board to be able to accept monies from outside sources in order to license and regulate the Behavior Analysts.

12. **LICENSING REPORT**

- **New Licenses Issued** – Ms. Hinckley reported to the Board that since August 1, 2008, the Board had issued 20 new licenses. For the calendar year, the Board has issued 68 new licenses as compared to the 86 new licenses issued by this time last year.
- **EPPP Results** – Ms. Hinckley next reported that 10 applicants had passed the Examination for

Professional Practice in Psychology since August 1, 2008.

- **New Applications** – Finally, Ms. Hinckley reported that since August 1, 2008, the Board had received 20 new applications for licensure. For the calendar year, the Board had received 95 new applications as compared to the 155 new applications received by this time last year.

13. INVESTIGATIONS REPORT

- **New Cases Received** – Ms. Kamm reported that since the October 3, 2008 Board meeting, the Board has received 7 new complaints, which totals 30 complaints received for the 2008 calendar year.
- **Cases Resolved** – Ms. Kamm reported that, for the calendar year, 15 cases have been resolved/dismissed, 1 case have been referred to the full board, 1 case administratively closed and 10 cases are currently under investigation. Ms. Kamm reported that there are 3 cases scheduled for the December 17, 2008 CSC meeting.

Ms. Kamm also reported that to date, there have been no other requests for information from outside sources or other state agencies.

14. DISCUSSION/DECISION REGARDING APPLICATIONS

- **REQUESTING EXAMINATION**

Dr. Wiggins made a motion, seconded by Chairman Lovejoy, and unanimously carried (6-0), that the following applicants, having obtained a doctoral degree in psychology as required under A.R.S. § 32-2071, be approved to sit for the Examination for Professional Practice in Psychology (EPPP):

- **John DenBoer, Ph.D.**
- **Octavio Molera, Ph.D.**
- **Amy Tilley, Ph.D.**

- **REQUESTING APPROVAL OF LICENSURE BY CREDENTIAL**

Dr. Wiggins made a motion, seconded by Chairman Lovejoy, and unanimously carried (6-0), to ratify the issuance of licensure by credential to the following applicants, who had met the requirements of A.R.S. § 32-2071.01(B):

- **Harlan Heinz, Ph.D.**
- **Mark Magier, Psy.D.**

- **REQUESTS FOR LICENSURE BY WAIVER OF EXAM**

Dr. Wiggins made a motion, seconded by Chairman Lovejoy, and unanimously carried (6-0), that **Rene McGovern, Ph.D.**, having met the requirements of A.R.S. § 32-2071.01(A), be approved for licensure upon payment of the pro-rated original license fee.

- **REQUESTING LICENSURE FOLLOWING COMPLETION OF POST-DOC**

Dr. Wiggins made a motion, seconded by Chairman Lovejoy, and unanimously carried (6-0), that **Kimberly Campbell, Psy.D.**, having met the requirements of A.R.S. § 32-2071.01(A), having passed the EPPP with a score of 70% or better and completed his post-doctoral hours, be approved for licensure upon payment of the pro-rated original license fee.

15. COUNSEL REPORT

Ms. Galvin reported that there are no inquiries or current events from the AG's office regarding Board matters at this time.

16. NEW BUSINESS OR FUTURE AGENDA ITEMS

Mr. Donaldson requested that Ms. Kamm place a discussion item on the agenda regarding the bylaws/functions/parameters of the Board Chair/Executive Committee at the next Board meeting. Dr. Wiggins stated that he would hand-out the 2009 Committee assignments at the next meeting. Lastly, Dr. Paul asked that Ms. Kamm schedule an Oversight Committee meeting and report back to the Board with any findings.

17. ADJOURNMENT

There being no further business to come before the Board, a motion was made by Dr. Karp, seconded by Dr. Karp, and unanimously carried (7-0), to adjourn the meeting at 2:00 p.m.

**Prepared by:
Meghan B. Hinckley
Deputy Director**

Respectfully submitted,

**Fred Wiggins, Ph.D.
Vice-Chairman**